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RALPH BELLAFATTO

PAGE 02/03

1268-175733-01
IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL ACTION - LAW

KEITH D. LETSON

Plaintiffs,

v.

SEARS, ROEBUCK AND COMPANY

Defendants.

:
:
: No. C-0048-CV-2006-5980
:
:
: JURY TRIAL DEMANDED

PRAECIPE FOR SUMMONS

DESIGNATE IF CASE IS FOR ARBITRATION: YES ___ NO X

TO THE PROthonotary/CLERK OF SAID COURT:

X Issue Summons in civil action in the above case.

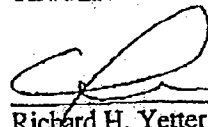
X Writ of Summons shall be issued and forwarded to Attorney/Sheriff.

YETTER LAW OFFICE

Dated:

8/9/06

By


Richard H. Yetter III, Esquire
Attorney for Plaintiff
Attorney ID No. 90530
4480 William Penn Highway
Easton PA 18045
(610) 253-8948

Ex. A

ECKERT SEAMANS CHERIN & MELLOTT, LLC

By: Robert L. Sanzo, Esquire

Identification No.: 70587

Two Liberty Place

50 South 16th Street, 22nd Floor

Philadelphia, PA 19102

215-851-8481

Attorneys for Defendant,
Sears, Roebuck and Co.

KEITH D. LETSON

Plaintiff

v.

SEARS, ROEBUCK AND COMPANY

Defendant

: COURT OF COMMON PLEAS
: NORTHAMPTON COUNTY
: CIVIL ACTION – LAW
:
: NO. C-0048-CV-2006-5980

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Defendant, Sears, Roebuck and Co.

(incorrectly named as “Sears, Roebuck and Company”) in the above-captioned matter.

ECKERT SEAMANS CHERIN
& MELLOTT, LLC

By: 

Robert L. Sanzo, Esquire
Attorney for Defendant,
Sears, Roebuck and Co.

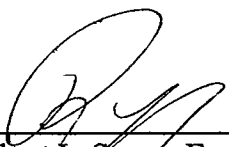
Dated: July 19, 2007

Ex. B

CERTIFICATE OF SERVICE

I, Robert L. Sanzo, Esquire, do hereby certify that I have served a true and correct copy of the Entry of Appearance, via first class mail, as follows:

Richard H. Yetter, III, Esquire
4480 William Penn Highway
Easton, PA 18045
Attorney for Plaintiff



Robert L. Sanzo, Esquire

Dated: July 19, 2007

ECKERT SEAMANS CHERIN & MELLOTT, LLC

By: Robert L. Sanzo, Esquire

Identification No.: 70587

1515 Market Street, Ninth Floor

Philadelphia, PA 19102

215-851-8481

Attorneys for Defendant,
Sears, Roebuck and Co.

KEITH D. LETSON

Plaintiff

v.

SEARS, ROEBUCK AND COMPANY

Defendant

: COURT OF COMMON PLEAS
: NORTHAMPTON COUNTY
: CIVIL ACTION – LAW

: NO. C-0048-CV-2006-5980

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Kindly enter a rule upon plaintiffs, to file a Complaint within twenty (20) days or suffer the entry of a Judgment of Non Pros.

ECKERT SEAMANS CHERIN
& MELLOTT, LLC

By: 

Robert L. Sanzo, Esquire
Attorney for Defendant
Sears, Roebuck and Co.

Dated: July 19, 2007

RULE TO FILE COMPLAINT


AND NOW, this day of , 2007, a Rule is hereby granted upon Plaintiffs to file a Complaint within twenty (20) days after service hereof or suffer the entry of a Judgment of Non Pros.

Prothonotary

CERTIFICATE OF SERVICE

I, Robert L. Sanzo, Esquire, do hereby certify that I have served a true and correct copy of the Praecipe to File Complaint of Eckert Seamans Cherin & Mellott, LLC, by United States Postal Service First Class Mail, postage prepaid, as follows:

Richard H. Yetter, III, Esquire
4480 William Penn Highway
Easton, PA 18045
Attorney for Plaintiff



Robert L. Sanzo, Esquire
Attorneys for Defendant,
Sears, Roebuck and Co.

Dated: July 19, 2007

I hereby certify this to
be a true and correct
copy of the original

RICHARD H. YETTER III, ESQUIRE
I.D. NUMBER 90530
4480 William Penn Highway
Easton, PA 18045
(610) 253-8948
(610) 923-8144 (fax)

ATTORNEY FOR PLAINTIFF,
KEITH D. LETSON

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL ACTION - LAW

KEITH D. LETSON

Plaintiffs,

v.

SEARS, ROEBUCK AND CO.

Defendants.

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No. C-0048-CV-2006-5980

JURY TRIAL DEMANDED


2007 AUG 13 P 2:28
NORTHAMPTON COUNTY, PA
CLERK OF COURT

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff(s). You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE
155 SOUTH NINTH STREET
EASTON, PENNSYLVANIA 18042
TELEPHONE: (610) 258-6333


Richard H. Yetter III, Esquire

RICHARD H. YETTER III, ESQUIRE
I.D. NUMBER 90530
4480 William Penn Highway
Easton, PA 18045
(610) 253-8948
(610) 923-8144 (fax)

ATTORNEY FOR PLAINTIFF,
KEITH D. LETSON

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL ACTION _ LAW

KEITH D. LETSON

Plaintiffs,

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: No. C-0048-CV-2006-5980

: JURY TRIAL DEMANDED

2007 AUG 13 PM 2:28
CLERK OF COURT
NORTHAMPTON COUNTY, PA
LEAS

COMPLAINT

AND NOW, comes the Plaintiff, Keith D. Letson, by and through his counsel, Richard H. Yetter III, Esquire, with this Complaint sounding in negligence, of which the following is a more complete statement:

1. Plaintiff, Keith D. Letson, is an adult individual who resides at 6657 Sullivan Trail, Wind Gap, Northampton County, Pennsylvania.
2. It is believed and therefore averred that Defendant, Sears, Roebuck and Co., is a business corporation, registered to do business in the Commonwealth of Pennsylvania with a principal place of business at 3333 Beverly Road, Hoffman Estates, Illinois 60179.
3. It is believed and therefore averred that Defendant operates a store with a location at 3762 Easton Nazareth Highway, Route 248, Easton, Northampton County, Pennsylvania (hereinafter referred to as "Store").

4. At all times mentioned herein, defendant was in exclusive possession, management, and control of the Store, individually and through its employees who were acting within the course and scope of their employment by Defendant and in furtherance of defendant's business.

5. On or about September 5, 2004 plaintiff was a business visitor to the store, and as he was shopping within the store, there existed an end cap of shelving at the end of an aisle which was stocked with heavy cans of paint and, what is believed and therefore averred to be, larger heavy cans of tar sealer which collapsed and fell onto and into plaintiff and plaintiff's shopping cart causing the cans and shopping cart to strike plaintiff in his right leg and knee, forcing his crutches out from under him and causing plaintiff to slip, stumble and/or fall, resulting in serious and permanent injuries as set forth below.

6. Plaintiffs aver that the Defendant had primary control, care, direction, responsibility, supervision and maintenance of the subject aisle, which was open for public use.

7. Plaintiffs aver that at all times relevant hereto, Defendants had the duty to properly maintain the subject aisles within the Store for the protection of customers walking within, including Plaintiff.

8. Plaintiff's presence on the property was as a shopper/customer of Defendants, and, as such, Plaintiff was a business invitee to whom Defendants owed the highest standard of care.

9. Plaintiffs aver that Defendants knew or should have had knowledge or notice of the existence of defective conditions of the end cap shelving, including that the shelving was in ill repair, was not attached to anything, and with items of product such as cans of paint and tar sealer which were too heavy for the shelving to hold.

10. Plaintiffs aver that Mr. Letson's slip and fall was caused as a direct and proximate result of Defendants' negligence. Defendant's negligence includes:

- (a) Defendants negligently failed to maintain its property free and clear of hazards, and in a reasonably safe condition;
- (b) Defendants negligently failed to secure its shelving in its aisles;
- (c) Defendants negligently failed to warn customers of hazardous conditions;
- (d) Defendants negligently failed to inspect the subject aisle end shelf for defective conditions, said conditions having existed prior to the date of Plaintiff's fall;
- (e) Defendants negligently failed to take reasonable and prudent steps to ameliorate the hazards although same existed prior to Plaintiff's fall;
- (f) Defendants negligently failed to maintain, design or install such improvements as would have prevented the aisle shelving from collapsing;
- (g) Defendants negligently stocked heavier items for sale on shelving which was not strong enough to hold the said items;
- (h) Defendants are negligent per se for violating the ordinances of Lower Nazareth Township pertaining to the maintenance of retail shopping facilities;
- (i) Defendants' aisle shelving usage, inspection and maintenance did not comply with industry standards;
- (j) Defendants were otherwise negligent as will be revealed by discovery.

11. Plaintiffs aver that Mr. Letson's slip and fall was caused as a result of Defendants' negligence and not at all as a result of any act or omission by Mr. Letson himself.

12. As a direct and proximate result of Defendants' negligence and Plaintiff's subsequent stumble and/or fall, Plaintiff sustained severe bodily injury, including injuries to his right knee and right leg, specifically a traumatic torn medial meniscus and effusion.

13. As a direct and proximate result of Defendants' negligence and Plaintiff's subsequent stumble and/or fall, Plaintiff sustained medical expenses to his pecuniary detriment, which expenses are continuing and may continue indefinitely into the future.

14. As a direct and proximate result of Defendants' negligence and Plaintiff's subsequent stumble and/or fall, he has suffered loss of earning capacity.

15. As a direct and proximate result of Defendants' negligence and Plaintiff's subsequent stumble and/or fall, Plaintiff sustained pain and suffering, emotional distress, inconvenience, embarrassment, was unable to attend to his normal daily affairs and activities, and sustained a loss of life's pleasures, which losses are continuing and may continue indefinitely into the future.

16. As a direct and proximate result of Defendants' negligence and Plaintiff's subsequent stumble and/or fall, Plaintiff required extensive medical treatment which is continuing and may continue indefinitely into the future.

17. As a direct and proximate result of Defendants' negligence and Plaintiff's subsequent stumble and/or fall, Plaintiff has sustained permanent residual injury including scarring and loss of functionality.

18. Some or all of Plaintiff's damages are continuing and/or may be permanent.

WHEREFORE, Plaintiff, Keith D. Letson, demands judgment against Defendant in an amount in excess of local arbitration limits, together with an award of costs and whatever additional relief the Court deems appropriate.

Respectfully Submitted:

Dated: 8/13/07

A handwritten signature in black ink, appearing to read 'R. Yetter III', is written over a horizontal line.

Richard H. Yetter III, Esquire
Attorney for Plaintiff
Attorney ID# 90530
4480 William Penn Highway
Easton PA 18045
(610) 253-8948
(610) 923-8144 (fax)

VERIFICATION

I, **KEITH D. LETSON**, being duly sworn according to law, deposes and says that *he* is the Plaintiff, and that the facts set forth in the foregoing *Complaint* are based upon information which *he* has furnished to *his* counsel and information which has been gathered by *his* counsel in the preparation of this lawsuit. The language of the foregoing pleading is that of counsel and not of the undersigned *himself*. The undersigned has read the foregoing pleading and, to the extent that it is based upon information which has been given to *his* counsel, that information is true and correct to the best of *his* knowledge, information and belief. To the extent that the content of the foregoing pleading is that of counsel, the undersigned has relied upon counsel in making this affidavit. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.

Dated: 8/13/07



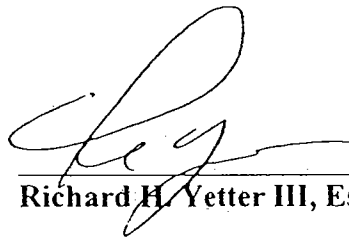
KEITH D. LETSON

CERTIFICATE OF SERVICE

I, **RICHARD H. YETTER III, ESQUIRE**, of 4480 William Penn Highway, Easton, Pennsylvania 18045, do hereby certify that I served by U.S. First Class Mail, postage paid, on August 13, 2007, Defendants' counsel with the within Complaint, addressed to the following:

Robert L. Sanzo, Esquire
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place
50 South 16th Street, 22nd Floor
Philadelphia, PA 19102

Dated: August 13, 2007

A handwritten signature in black ink, appearing to read 'R. Yetter III', is written over a horizontal line.

Richard H. Yetter III, Esquire